

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

1. Provision of information. In order to provide for informed patient or resident decisions, a hospital or nursing facility shall provide lists of licensed providers of care and services for all patients or residents prior to discharge for whom home health care or nursing care is needed.

A. For all patients or residents requiring home health care, the list must include all licensed home health care providers that request to be listed and any branch offices, including addresses and phone numbers, that serve the area in which the patient or resident resides.

B. For all patients or residents requiring nursing facility care, the list must include all nursing facilities that request to be listed that serve the area in which the patient or resident resides or wishes to reside.

C. The hospital or nursing facility shall disclose to the patient or resident any direct or indirect financial interest the hospital or nursing facility has in the nursing facility or home health care provider.

2. Rulemaking. The department shall establish by rule guidelines necessary to carry out the purposes of this section. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 338

H.P. 842 - L.D. 1147

**An Act to Ensure Consistency
Between State and Federal Special
Education Requirements**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 20-A MRSA §7004 is enacted to read:

§7004. Special education

1. Rulemaking. The department shall identify in its regulatory agenda, when feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than the federal statute or regulation, if an applicable federal statute or regulation exists.

During the consideration of any proposed rule, when feasible, and using information available to it, the department shall identify provisions of the proposed rule that the department believes would impose a

regulatory burden more stringent than the burden imposed by the corresponding federal statute or regulation, if such a federal statute or regulation exists, and explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal statute or regulation.

Sec. 2. Current rules; review. Any rule of the Department of Education concerning special education in existence on the effective date of this Act is subject to the review requirements of this Act for proposed rules. The department shall evaluate the current rules concerning special education, identify provisions believed to impose a regulatory burden more stringent than the burden imposed by the corresponding federal statute or regulation, if such a statute or regulation exists, and explain the justification for the difference. The department shall report the results of this evaluation to the Joint Standing Committee on Education and Cultural Affairs no later than December 15, 1997.

See title page for effective date.

CHAPTER 339

H.P. 547 - L.D. 738

**An Act to Allow Child Support for
Juveniles Committed to the Maine
Youth Center**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 15 MRSA §3314, sub-§5, as enacted by PL 1987, c. 400, §3, is amended to read:

5. Support orders. Whenever the court commits a juvenile to the Department of Human Services, ~~to the Maine Youth Center~~ or to a relative or other person, the court may order either or both parents of the juvenile to pay a reasonable amount of support for the juvenile. The order is enforceable under Title 19-A, section 2603. A parent may not be required to pay support for a juvenile during any period when the juvenile resides in ~~the Maine Youth Center~~ or a county jail.

See title page for effective date.

CHAPTER 340

H.P. 287 - L.D. 351

**An Act to Decrease Infectious
Disease Transmission**